



Saint Louis County

Office Use Only

Permit No. _____

Public Works Department • Traffic Division

4787 Midway Road Duluth, MN 55811 • Phone: (218) 625-3830 • Fax: (218) 625-3888

APPLICATION FOR LIMITED USE UTILITY PERMIT FOR TWO-WAY SNOWMOBILE TRAIL WITHIN COUNTY HIGHWAY RIGHT-OF-WAY

Fee: \$100.00

COMPLETE ONLY THE CONDITION APPLICABLE FOR EACH TRAIL SEGMENT

Name of Applicant _____ Telephone Number: _____

Address _____ City _____ State _____ Zip Code _____

Name of Snowmobile Club _____ E-Mail Address _____

CONDITION A

Purpose: Trail was permitted for the previous season and no trail modifications are planned for the upcoming season.

Location (County Highway name and number): _____

Permit Number: _____

No fee is required. Attach copy of approved permit from previous season.

CONDITION B

Purpose: New trail, trail that was not permitted for the previous season, or trail that was permitted the previous season but has proposed modifications. Trail work/modifications may not begin until the Permit has been approved.

Trail Location (County Highway name and number): _____

Permit number if trail was permitted the previous season (N/A if not applicable): _____

Will trail modifications be performed? ☐ Yes ☐ No

If yes, describe proposed modifications: _____

Estimated date work will be performed: _____

Submit application with check or money order payable to "St. Louis County". A location map of the trail must accompany this application. County highway maps may be obtained upon request to sketch your trail on.

I, We, the undersigned, herewith accept and agree with the terms and conditions of the special provisions of the County Highway Engineer and agree to fully comply therewith to the satisfaction of the County Highway Department. The applicant further agrees to assume all liability for, and save the County harmless from, any and all claims for damages, actions or causes of action arising out of the maintenance and operation of this snowmobile trail under this application and permit.

Applicant's Signature _____ Dated _____

RETURN COMPLETED APPLICATION TO THE ADDRESS LISTED ON THE TOP OF THIS FORM

Special Provisions

1. The definition and operation of snowmobiles shall be in accordance with Minnesota Statutes §84.81 and §84.87
2. The construction, maintenance, and supervision of the trail shall be at no expense to St. Louis County.
3. Before construction of any kind, the plans for such work shall be approved in writing by the St. Louis County Department of Public Works, through the Traffic Engineer.
4. No permanent structure(s) or advertising device(s) in any manner, form or size shall be constructed, placed or permitted to be constructed or placed upon the St. Louis County right of way.
5. No commercial activity or activities shall be allowed to operate upon said St. Louis County right of way.
6. Any and all maintenance of the trail shall be provided by the Permittee; this includes, but is not limited to, the plowing and removal of snow, and the installation and removal of signs. The Permittee shall identify and mark obstacles within the impacted right of way to identify hazards for snowmobiles and/or other recreational motorized vehicles.

7. If any signs are placed they must be in accordance with Minnesota Rules for the Department of Natural Resources §3100.5300 and §3102.0060 and also in Accordance with “Minnesota Snowmobile Safety, laws, Rules and Regulations”. The Permittee shall review all signage within the trail segment. Existing signs shall be modified and/or changed and new signs shall be installed to accommodate two-way traffic.
8. This permit is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy said right of way.
9. The Permittee shall preserve and protect all utilities located on the lands covered by this permit at no expense to St. Louis County and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166.
10. Any crossings of the trail over county roads shall be perpendicular to the centerline of the road and shall provide and ensure reasonable and adequate stopping sight distance for vehicle and snowmobile traffic.
11. The Permittee shall construct the trail at the location shown in the attached Exhibit “A” subject to verification by the St. Louis County Department of Public Works Traffic Engineer that the construction geometrics and procedures result in a trail that is compatible with the safe and efficient operation of the highway facility.
12. Approval from St. Louis County Department of Public Works Traffic Engineer shall be required for any changes from the approved plan and/or route designated in this permit and may require a new permit application and approval.
13. Upon completion of the construction of the trail, the Permittee shall restore all disturbed slopes and ditches within 5 calendar days in such manner that drainage, erosion control and aesthetics are perpetuated.
14. This permit does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.
15. Any use permitted by this permit shall remain subordinate to the right of St. Louis County to use the property for highway and transportation purposes. This permit does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge facility that would become subject to Section 4 (f) of the Federal-Aid Highway Act of 1968, nor does this permit establishes a Bikeway or Pedestrian way, which would require replacement pursuant to Minnesota Statutes Section 160.264.
16. This Permit does not in any way imply an easement on private property. Any incursions or damages on such property as a result of the work completed under this Permit shall be the sole responsibility of the Permittee. If additional work is required outside the right-of-way, an agreement with the private landowner must be in-place prior to commencement of work.
17. No personal property within the right-of-way, to include trees that are greater than six inches in diameter as measured two feet from the ground, shall be removed or damaged without guidance from the St. Louis County Public Works Department. Such removal and/or damage may require additional coordination with, and compensation to, property owners which will be the responsibility of the Permittee.
18. The Permittee shall ensure that all existing drainage-ways are maintained and/or restored. Any work within the right-of-way involving waters, waterways, or wetlands under the regulatory jurisdiction of the United States or the State of Minnesota shall be permitted by the appropriate agency prior to the onset of construction. The securing of such permits shall be the responsibility of the Permittee and shall be verified by the St. Louis County Public Works Department.
19. The permit will be reviewed annually by St. Louis County for complaints, dangers, improvements, etc. A renewal form will be mailed to the Permittee and shall be returned by the specified date to renew the privilege for the upcoming year. Failure to renew the permit will result in revocation of permission to utilize the right of way.
20. Failure to renew, a change in trail location or characteristics of access points, will require a new permit and additional fee.
21. This permit shall be subject to cancellation and termination by the St. Louis County Department of Public Works, with or without cause, by giving the Permittee 60 days written notice of such intent. Upon said notice of cancellation the trail shall be removed within 90 days by the Permittee. Upon cancellation of said permit, or any portion thereof, the Permittee will be required to return and restore the area to a condition satisfactory to the St. Louis County Department of Public Works Traffic Engineer. The removal of the trail and the return and restoration of the area shall be at no cost to the St. Louis County Department of Public Works and at the sole expense of the Permittee.
22. The Permittee, for itself, its successors, and assigns, agrees to abide by the provisions of Title VI Appendix C of the Civil Rights Act of 1964, which provides in part that no person in the United States, shall on the grounds of race, color, or national origin, be excluded from, or denied use of any trail.
23. The Permittee shall hold harmless and indemnify St. Louis County, its employees and its successors and assigns, from liability claims for damages because of bodily injury, death, property damage, sickness, disease, or loss and expense arising from the operations of the trail or from the use of the portion of highway right of way over which this permit is granted.
24. The Permittee shall hold harmless and indemnify St. Louis County, its employees and its successors and assigns from claims arising or resulting from the temporary or permanent termination of trail user rights on any portion of highway right of way over which this permit is granted.
25. The St. Louis County Department of Public Works, through its Traffic Engineer, shall retain the right to limit and/or restrict the parking of vehicles and assemblage of trail users on the highway right of way over which this permit is granted, so as to maintain the safety of both the motoring public and trail users.
26. The Permittee will hold harmless and indemnify St. Louis County, and its employees from claims resulting from temporary or permanent changes in drainage patterns resulting in flood damage.
27. The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the County’s right of way. In the event of spillage of regulated materials, the Permittee shall provide for cleanup of the spilled material and the materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
28. No assignment of this permit is allowed.
29. The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers’, mechanics’, or materialmens’ liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by a subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto; agrees to indemnify and hold harmless the St. Louis County Department of Public Works from all such liens and claims.
30. The St. Louis County Department of Public Works’ liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, Section 3.736, and other applicable law.